



Community Development Department - Planning Division

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Alcohol Sales/Entertainment

***DEFINITIONS:**

19.04.106 **Downtown arts and entertainment district.** "Downtown arts and entertainment district" is an area intended to serve as a major, concentrated center of cultural and entertainment uses serving the City and surrounding communities. It consists of all commercially zoned land within an area bounded by properties south of Third Street, west of State Route 91 (the Riverside Freeway), north of properties fronting both sides of Fourteenth Street and east of properties fronting both sides of Market Street.

19.04.134 **Entertainment.** Except as specifically exempted in this title, "entertainment" means any live entertainment, dancing, disc-jockey-hosted music, karaoke sign-alongs, night clubs, comedy clubs and entertainment clubs.

19.04.391 **Off-sale.** The sale of beer and wine (off-sale beer and wine) or of all types of alcoholic beverages, including beer and wine (off-sale general), in their original, sealed containers for consumption off the premises.

19.04.392 **On-sale.** The sale of beer and wine (on-sale beer and wine) or of all types of alcoholic beverages, including beer and wine (on-sale general), for consumption on the premises.

19.26.020 (H) **OFF-SALE of all alcoholic beverages is permitted in the CO, C-1, C-1-A, CL, C-2, C-3 and M-2 Zones subject to the granting of a Conditional Use Permit (CUP) and the site location criteria and development standards listed below.** However, the requirement for a CUP shall not apply to establishments containing fifteen thousand square feet or more of the gross floor area, which do not sell alcoholic beverages as their principal business. Additionally, florist shops that propose the incidental sale of wine with gift or floral baskets shall obtain an MCUP, subject only to operational standards set out below.

A FLORIST SHOP with incidental off-sale of wine may be permitted, subject to the granting of an MCUP, according to the following operating standards:

- The sale of wine shall be clearly incidental to a florist shop business, and shall not exceed five percent of the annual gross sales revenue of the florist business.
- The sale of wine shall be limited to gift or floral arrangements. Individual containers of wine not packaged as part of such arrangements may not be sold
- No beer or distilled spirits may be sold.
- No variances from these standards are permitted.

1. SITE LOCATION CRITERIA.

- The business shall not be located within six hundred feet of a public or private school (pre-school through twelfth grade), church or public park, as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the school, church or park site.
- The business shall not be located within one hundred feet of any existing residential dwelling or property zoned for residential uses as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the residential zoned property.
- The business shall be located a minimum distance of one thousand feet from any existing business licensed by the State of California for off-sale general alcoholic beverage sales with less than fifteen thousand square feet of gross floor area or which sells alcoholic beverages as its principal business as measured from any point upon the outside walls of the building or building lease space of the business applying for the CUP to the nearest property line of the site containing the existing off-site alcoholic beverage sales business.

2. DEVELOPMENT STANDARDS.

- No sale of alcoholic beverages shall be made from a drive-thru lane or drive-thru window.

* Compiled from Title 19 (Zoning) of the Municipal Code and edited for clarity. Title 19 is applicable unless superseded by a Specific Plan, which may be more restrictive than the Zoning Code.

- The business shall be in a location that is fully visible from a public street with unobstructed view from the public street for public safety.
- The business shall have lighting to provide illumination for security and safety of parking and access areas. On-site lighting plans shall be submitted for review and approval.
- The premises on which the business is located shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any public place or posted premises in accordance with Section 9.04.020 of this code.
- Signs shall be permitted in accordance with Chapter 19.76 of this title. In addition, all proposed signing shall be submitted for Design Review Board and/or staff to ensure compliance with the Sign Code and minimize any potential visual impacts related to signing.
- The management at each location of off-sale of alcoholic beverages pursuant to the sections shall be responsible for educating the public regarding drunk driving laws and the related penalties for breaking those laws. (This includes minimum age law, open container law and driving while intoxicated law.) This can be accomplished by posting prominent signs, decals or brochures at the point of purchase and providing adequate training for employees.

3. VARIANCE. The Planning Commission or City Council may grant variance request from the standards outlined in subdivisions 1 and 2 of this subsection. However, such request shall increase the property notification requirement from a three hundred-foot radius to a one thousand-foot radius from the subject property.

19.26.020 (J) ON-SALE of all alcoholic beverages is permitted in the CO, C-1, C-1-A, CL, C-2, C-3 and M-2 Zones subject to the granting of a Minor Conditional Use Permit (MCUP), except as exempted below, including the listed site location criteria, operation and development standards.

1. EXEMPTIONS. The Zoning Administrator shall exempt from the MCUP requirement a business providing on-site sales of alcoholic beverages if **all** of the following conditions apply:

- The premises contains a kitchen or food-servicing area in which a variety of food is prepared and cooked;
- The primary use of the premises is for sit-down food service to patrons;
- The premises serves food to patrons during all hours the establishment is open for customers;
- If there is a separate area primarily intended for the consumption of alcoholic beverages, it does not constitute more than thirty percent of the public access floor area, not to exceed one thousand square feet;
- No alcoholic beverages, including beer or wine, are sold or dispensed for consumption beyond the premises;
- The use is not subject to an MCUP as an entertainment use;
- The premises is defined as a “bona fide public eating place” by the State of California Department of Alcoholic Beverage Control;
- The business is not located within one hundred feet of any existing residential dwelling or property zoned for residential uses, as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the residential property. This provision shall not be mandatory with regard to residential uses that are a part of a mixed-use zone or mixed-use project approved under a CUP.

Uses that do not meet all of the above criteria shall be subject to an MCUP, including the site location, operation and development standards listed below.

2. SITE LOCATION CRITERIA.

- The business shall not be located within six hundred feet of a hospital, public or private school (pre-school through twelfth grade), church or public park, as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the hospital, school, church or park site, except in the downtown arts and entertainment district, as defined in Section 19.04.106, where the six hundred-foot distance restriction does not apply. However, in said

downtown arts and entertainment district, the Zoning Administrator shall consider distances from the above listed uses for the purpose of achieving compatibility of the business with neighboring uses as part of the review process.

- The business shall not be located within one hundred feet of any existing residential dwelling or property zoned for residential uses as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the residential property. This provision shall not be mandatory with regard to residential uses that are a part of a mixed-use zone or mixed-use project approved under a CUP.

3. OPERATION AND DEVELOPMENT STANDARDS.

- Lighting, as certified by a qualified lighting engineer, shall be provided at a level no less than one-foot candle of lighting throughout private parking lots and access areas serving the business.

- The premises on which the business is located shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any public place or posted premises in accordance with Section 9.05.020 of this code.
- Soundproofing shall be provided sufficient to prevent noise and vibrations from penetrating into surrounding properties or building lease space.

4. **VARIANCES.** The Zoning Administrator, Planning Commission or City Council may grant variance request from the standards outlined in subdivisions 2 and 3 of this subsection. However, any such request shall increase the property notification requirement from a three hundred foot radius to a one thousand-foot radius from the subject property.

19.26.020 (K) ENTERTAINMENT establishments, as defined above, are permitted in the CO, C-1, C-1-A, CL, C-2, C-3 and M-2 Zones, subject to the granting of a Minor Conditional Use Permit (MCUP) and the site location criteria, operation standards, development standards and exemptions listed below:

1. **EXEMPTIONS.** The Zoning Administrator shall exempt from the MCUP requirement an entertainment use, which meets **any** of the following criteria:

- The entertainment is clearly incidental to a sit-down restaurant business, bookstore, art gallery or other non-entertainment oriented use and there is no stage or dance floor;
- The entertainment is clearly incidental to a full service hotel, which includes convention facilities, meeting rooms and restaurant services.

All other entertainment uses shall be subject to a MCUP and the requirements below.

2. **SITE LOCATION CRITERIA.**

- The business shall not be located within six hundred feet of a hospital, public or private school (pre-school through twelfth grade), church or public park, as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the hospital, school, church or park site, except in the downtown arts and entertainment district, as defined in Section 19.04.106, where the six hundred foot distance restriction does not apply. However, in said downtown arts and entertainment district, the Zoning Administrator shall consider distances from the above listed uses for the purpose of achieving compatibility of the business with the neighboring uses as part of the review process.
- The business shall not be located within one hundred feet of any existing residential dwelling or property zoned for residential uses as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the residential property. This provision shall not be mandatory with regard to residential uses that are a part of a mixed-use zone or mixed-use project approved under a conditional use permit.
- The site shall not be in such proximity to other uses designed for human habitation, including extended care facilities, motels and hotels, that disturbances are likely to be caused by traffic, parking, noise or lighting.
- Adequate provisions shall be made for vehicular and pedestrian access to the facility at peak business hours.

3. **OPERATION AND DEVELOPMENT STANDARDS.**

- Lighting, as certified by a qualified lighting engineer, shall be provided at a level no less than one-foot candle throughout private parking lots and access areas serving the business.
- Soundproofing shall be provided sufficient to prevent noise and vibrations from penetrating into surrounding properties or building lease spaces.
- The submitted site plan shall demonstrate adequate accommodations for the queuing of patrons so as not to obstruct walkways, driveways or parking areas and so as not to create noise related disturbances to adjacent properties.
- A security plan shall be provided to the approval of the Police Department, demonstrating and committing to the provision of adequate on-site security.
- The submitted site plan shall demonstrate the availability of adequate parking, maneuvering, ingress and egress to accommodate patrons during peak business hours.

4. **VARIANCES.** The Zoning Administrator, Planning Commission or City Council may grant variance requests from the standards outlined in subdivisions 2 and 3 of this subsection. However, any such request shall increase the property notification requirement from a three hundred-foot radius to a one thousand-foot radius from the subject property.

